

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SEVENTH REGION**

**SEVEN ONE SEVEN PARKING OF MICHIGAN, INC.,
d/b/a/ HOSPITAL PARKING MANAGEMENT, INC.,
a subsidiary of SEVEN ONE SEVEN PARKING SERVICES, INC.¹**

Employer

and

CASE 7-RC-22990

**LOCAL 283, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS²**

Petitioner

APPEARANCES:

James J. Cusack, Attorney, of Tampa, Florida, for the Employer
Todd Lince and Dan Dingle, of Wyandotte, Michigan, for the Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding,³ the undersigned finds:

1. The hearing officer's rulings are free from prejudicial error and are hereby affirmed.

¹ The Employer's name appears as amended at the hearing.

² The Petitioner's name appears as stipulated to at the hearing.

³ The parties filed briefs, which were carefully considered.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

The Petitioner seeks to represent a single unit of approximately 75 full-time and regular part-time employees comprised of approximately 35 valets, 20 cashiers, 12 greeters, 6 traffic control employees, and 2 uniform attendants employed by the Employer at its operations located at the Detroit Medical Center (DMC) in Detroit, Michigan, but excluding all office clerical employees, managerial employees, administrative employees, and guards and supervisors as defined in the Act. The Employer contends that the cashiers and uniform attendants are office clerical employees and should be excluded from the unit. The Employer further asserts that the greeter and traffic control classifications are guards under Section 9(b) (3) of the Act and cannot be represented by the Petitioner. In the alternative, the Employer claims that the cashiers, uniform attendants, greeters and traffic control employees do not share a sufficient community of interest with the valets to warrant their inclusion in a single unit.

I find that the cashiers and uniform attendants are not office clerical employees, and the greeter and traffic control classifications are not guards as defined under Section 9(b)(3) of the Act. I further find that the valets, cashiers, uniform attendants, greeters, and traffic control employees share a sufficient community of interest and comprise an appropriate unit.

The Employer's Operations

The Employer provides parking management services to the healthcare industry. Its employees provide valet parking, front door services, and shuttle services to hospital and medical facilities. The petitioned-for unit is comprised of employees working at DMC in Detroit, Michigan. DMC is comprised of seven separate healthcare facilities within its large urban campus: Receiving Hospital, Kresge Eye Institute, Rehabilitation Institute of Michigan, Harper Professional, Karmanos Cancer, Harper Main, and Children's Hospital. The Employer started providing services on the campus approximately four years ago and assumed parking management operations for the entire campus in October 2005.

The parking operation consists of various valet stations, cashier booths/work areas, and greeter work areas located near the entrances to, or in, the various facilities and parking structures. Traffic control employees work outside the parking structures or adjacent to the facility entrances. The Employer maintains a uniform room in the Carl Kresge auditorium/Old Hutzel Hospital, in the basement located near the building's main entrance. Locker rooms for all employees are located down the hall from the uniform room. The Employer has a corporate office on the 10th floor of McLaughlin Hall, which is located near Harper's Women's Hospital, as well as a manager's office in the Central Deck parking garage. The DMC campus has five self-parking garages, including the Central Deck, North Deck, Children's Deck and Receiving Deck, and one surface lot. The record does not reflect the various distances between the DMC facilities, parking garages and surface lot.

The Employer generally operates two shifts, from 4:30 a.m. to 12:30 p.m. and 12:30 p.m. to 8:30 or 9:00 p.m. Valet service ends at 9:00 p.m. The Children's Deck is staffed with a cashier until 11:00 p.m. and then is left unstaffed the remainder of the night until the morning shift arrives. The five parking garages are staffed with one cashier per deck per shift. Certain operations are open seven days a week, others Monday through Friday.

The Employer's operation is divided functionally into the Harper and Receiving sides. Neil Pennycooke is the director of operations. Reporting directly to Pennycooke is Senior Operations Manager Dan Truss. Truss's direct reports include Harper AM Operations Manager Keith Frierson, Receiving AM Operations Manager Ed Draper, PM Operations Manager Lisa Curruthers⁴, Human Resource Coordinator Devon Hellams, and Payroll Supervisor Lorna Ayres.⁵ In addition, each location with a valet site has a supervisor assigned to it. The record does not reflect the names or total numbers of these site supervisors.⁶ The cashiers and valets report to the site supervisor. The cashiers also have a floating cashier supervisor. Traffic control employees and uniform attendants are required to report to the shift operations manager responsible for their site. The greeters at each site report to Truss or Hellams. Part of the duties of the supervisors and operations managers is to conduct physical "walk-throughs" of the various parking structures. If suspicious activities are noted, they are to report the problem to DMC security.

⁴ Curruthers manages both sides of the operation.

⁵ I find that these seven individuals are supervisors within the meaning of the Act, consistent with the parties' stipulation, because they possess either the authority to suspend, discipline, discharge, recall, promote, assign, direct work, or adjust grievances.

⁶ The record testimony indicates that a supervisor is assigned to each of the seven facilities during each shift.

Employee Classifications

Overview

Employees report to the uniform room at the beginning of their shift and sign a form for their uniforms.⁷ Once employees sign out for their uniforms, they have the option to use an adjacent locker room to change. All employees are eligible to receive a locker. Thereafter, the employees report to their assigned workstation and sign in. The sign-in sheet serves as a time card for payroll purposes. They are kept at the valet cashier work locations for vault cashiers, valets, and traffic control employees. Deck cashiers and greeters sign in at their work area. When employees complete their shift, they sign out at their work station and return their uniform. All employees have access to DMC campus facilities to utilize restrooms at their job locations.

Employees pay for two pairs of pants when they are hired, and the Employer pays for laundering and maintenance of the uniforms through an outside laundry service. Employee uniforms are slightly different for each classification, but all consist of khaki tan pants, black shoes, a button down shirt, and blazer/coat/vest. Valets wear a blue shirt and black blazer. Cashiers wear a white shirt and blue blazer. Greeters wear a red blazer and tie, and traffic control employees wear a green vest or jacket depending on weather conditions and the time of year. Uniform attendants wear blue shirts. All employees wear badges. All uniforms also have DMC patches on them.

All employees are paid hourly and are eligible to receive overtime pay. Valets earn \$7.00 per hour, cashiers \$8.00, traffic control employees and uniform attendants \$9.00, and greeters \$9.50. The employees receive no other benefits. Employees are not paid when absent from work.

The Employer offers an orientation training program for employees. All employees also receive on-the-job training for their position. Cashiers, like valets, greeters, and uniform attendants, do not require any special educational background or job history,⁸ but must be able to use a calculator and pass an arithmetic test. They may be rotated by their operations manager through each location on site to get familiarized with each cashier work area. Valets require a valid driver license, as well as the ability to drive a manual transmission vehicle. Traffic control employees are trained by their operations manager. Experienced uniform attendants have trained newly hired attendants. Greeters must be interviewed by Hellams and approved by DMC human resources personnel prior to being employed. They are screened for customer service

⁷ There is conflicting testimony on this matter with respect to the greeters. Penneycooke testified all employees sign out their uniforms. Truss indicated that greeters have their own uniforms and report directly to their site.

⁸ While traffic control employees were not included in this grouping, the record does not indicate that they require special educational background or job history.

skills, such as concierge or hotel industry experience, although the Employer expects all employees to be “people persons.” They attend customer service training coordinated through DMC, and attend customer service meetings with DMC personnel.⁹ Greeters are also trained by Hellams.¹⁰

The Employer conducts background checks on all employees. The employees do not carry firearms, are not bonded or deputized, do not have arrest powers, and do not possess the authority to physically remove personnel from the premises or issue tickets. Employees are not authorized to conduct investigations, but if requested by DMC security may participate in an investigation as a witness. Employees are not trained in the use of physical force or self-defense techniques. They are instructed to contact DMC or Metro Detroit Police in the case of an emergency, suspicious activity, or confrontation.

Cashiers

Cashiers' job duties include greeting customers, issuing parking receipts/tickets to customers, accepting fees for parking, giving directions to customers, assisting employees with access to assigned parking areas¹¹, and reporting suspicious activities or incidents that occur during the course of their shift. At one of the busier decks (Central Deck), it is estimated that 90% of the cashier's time is spent performing these duties.

Cashiers are located at parking decks/structures (deck cashiers) and at each valet location (valet cashiers). Some of the booths/locations have panic alarms which directly dispatch DMC security personnel or the Metro Detroit Police Department. Cashiers are normally confined to their booth, work counter, or assigned valet station for their entire shift. Each work station is different depending on the facility. For example, the cashiers at the Karmanos, Harper and Children's facilities work from counters, not booths.

All cashiers have contact with hospital employees, patients, and visitors on a daily basis. Cashiers interact with valets continuously and, depending on their work area, may be in contact or communication with greeters and traffic control employees. All cashiers are relieved for breaks or lunch by a relief cashier¹² or supervisor. The record indicates that a valet may have relieved a cashier on one occasion, but this appears to be an isolated incident.

⁹ The meetings are held every third Thursday of the month and are used to bring new employees up to speed on what is going on at each site and to exchange ideas on how to upgrade customer service.

¹⁰ The record is not clear on Hellams' role in the hiring or training of other employees.

¹¹ Cashiers allow DMC employees access to restricted parking areas in the event that they forget their parking pass. DMC requires tracking of these instances to ensure its employees are parking in areas they are authorized to access.

¹² The parties stipulated that the relief cashier is not a separate classification.

When a customer requests valet service, a ticket is issued by a supervisor or valet. The customer is provided a portion of the ticket. The remaining portion of the ticket is retained by the valet with the customer's keys. The valet transports the vehicle to the location in the parking structure reserved for valet-parked vehicles. The valet pulls up to the deck cashier, who logs the ticket number along with the valet's initials. The deck cashier initials the valet's ticket. The valet then drives into another part of the facility where he or she "swipes" in. Thereafter, the valet parks the vehicle and returns the keys and ticket to the valet cashier. If the vehicle has pre-existing damage, the valet informs the valet cashier who documents it. When the customer presents the ticket for retrieval of the vehicle, the valet cashier dispatches the valet with the customer's ticket and keys, and the valet retrieves the vehicle.

During this entire process, the valet cashier is responsible for maintaining a Valet Log Sheet for each vehicle parked by a valet. The log identifies the ticket number issued, the vehicle type, vehicle plate number, the actual time the customer paid for parking, the initials of the valet who parked the vehicle, the time the vehicle was parked, the initials of the valet who brought the vehicle up, the time the valet brought the vehicle back up, and the location where the vehicle was parked. Valet cashiers are also required to fill out a Reconciliation Report at the end of each shift. The report identifies the cashier's name, date, shift worked, work location, and each ticket issued during the course of the shift. The report also appears to identify the initials of the valet who parked each vehicle. The report is used by valet cashiers to inventory the remaining keys left unclaimed at the end of their shift. They turn over any keys remaining at the end of their shift to DMC security. They also document the ticket number and car location on a form, which is jointly signed by a DMC security representative and the cashier.

All cashiers have the discretion to issue "voids and comps" parking credits to customers under a variety of circumstances. Cashiers may grant credit to a customer who experiences a problem with valet service, frequently visits the facility due to illness, comes to the facility on the wrong day for a doctor's appointment, or was "reparked" because they mistakenly went or were directed to the wrong facility. Cashiers also can issue complimentary passes. The frequency of the issuance of voids and comps at all facilities is unclear, but the record evidence indicates that a minimum of 1 void or comp is issued on each shift at the Central Parking Deck and as many as 12 have been issued at the Harper Main facility during a single shift. All cashiers are required to fill out a Log Sheet for voids and comps at the end of each shift. The report identifies the cashier's work location, date, parking ticket number, the reason for the parking credit, and the customer's signature.

Cashiers receive a locking cash drawer at the beginning of their shift. When their shift is complete, they count their cash and balance the drawer. A supervisor or operations manager normally comes to the cashier's work area and also conducts a count,

with the cashier. Valet and deck cashiers fill out a Shift Report at the end of their work day indicating the cashier's name, shift, work location, starting and ending ticket number, the total number of tickets issued, the cost per ticket, the number and type of transactions, and the total revenue collected during the shift. The supervisor or manager and cashier sign the form. The money is placed in a sealed envelope, deposited in a drop bag, and placed in a safe near the Employer's manager's office in the Central Parking Deck. Truss collects the money and additional clerical work is performed by other unspecified Employer employees¹³ to prepare the money for deposit. Truss then deposits the money into DMC's bank account. The supervisor or manager forwards the applicable forms and paperwork to the Employer's offices where the documents are retained.

Cashiers prepare additional shift reports for incidents that occur during their work day. They report incidents of valet misconduct, suspicious activities, and keep records of employees who are allowed to park in designated areas without production of proper badge access. These same incident reports are also utilized by greeters and traffic control personnel.¹⁴ The incident reports are forwarded to supervision, managers, or DMC security for action. If an investigation is required, DMC security conducts it. Employees may be required to give statements or information to security.

The various cashier forms and reports are similar, but are worksite specific, reflecting the name of the work location. The valet logs and reconciliation forms are used to ensure proper inventory control of customer vehicles. The various shift reports track not only the revenues generated by the parking operations, but other incidents requiring supervisory response or action. The completed forms are maintained in the corporate offices on-site. They are reviewed by the senior operations manager, operations manager(s), and supervisor(s) to identify inconsistencies, extended wait times, and incomplete forms. Blank forms are kept at each cashier worksite. If cashiers run out of these reports, forms or parking receipts/tickets, they contact the operations manager to get additional supplies. Cashiers do not have the authority to purchase forms on behalf of the Employer. No personnel files or other Employer records are maintained in the cashier work areas. Cashiers do not perform payroll functions.

Valets

Valet job duties include greeting customers, parking vehicles, and providing directions for parking and front door guest service to patients, visitors, and guests. Valets work both the a.m. and p.m. shift, with operations starting at 8:30 a.m. and ending at 9:00 p.m. The record does not indicate the number of valets assigned to each facility, but six

¹³ Employees in the petitioned-for classifications do not perform this function.

¹⁴ It appears from the record that any unusual event is required to be documented and this responsibility applies to all employees. The valet job description requires valets as well to maintain proper logs and to report suspicious activity.

to seven valets work on the a.m. shift at Children's Hospital, along with two cashiers (one valet and one deck), and one traffic controller. The valets' and valet cashiers' work areas at that hospital are within 10 feet of each other, and the valets and traffic control employee work in close proximity to each other.

Valets' primary duties are to park and retrieve cars. They are in constant contact with the deck and valet cashiers, dropping off and retrieving keys, vehicles, and tickets. Valets retrieve vehicles as directed by the valet cashier. In some instances, customers "call down" and a valet may need to retrieve a vehicle and hold the vehicle for a period of time until the customer arrives. The valet may park the vehicle in a 15-minute temporary spot and notify the traffic controller in the area of the "call down" and the reason why the vehicle is parked there temporarily. Valets also deliver customer vehicles to other locations on the campus site at the customer's request. For example, a customer may require that his or her vehicle be delivered to the emergency room discharge area instead of the facility's main entrance. Valets are responsible for maintaining congestion-free access by means of traffic control and monitoring illegal parking. Valets notify appropriate personnel if suspicious activity is observed during the regular course of duty. Valets also report customer vehicle problems to cashiers, who in turn report the matter to DMC security.

Traffic Control Employees

Traffic control employees are responsible for regulating traffic flow on the campus grounds outside the various parking structures and lots. They work 9:00 a.m. to 5:00 p.m., Monday through Friday. Their primary job is to ensure that traffic lanes to the entrance of each facility move freely and to do not get backed up or congested.

The record contains details regarding the traffic control employee who works at Receiving Hospital. He is responsible for the horseshoe driveway immediately in front of the facility's entrance. In the morning, he signs in at the valet booth and proceeds to his work area in the horseshoe drive, which is approximately 30 feet from the valet cashier and 20 to 25 feet from the valet stand. Two greeters work inside the facility during the day and one valet cashier is assigned to the area, with shifts changing at 2:00 p.m. The traffic control employee is not equipped with an Employer-provided radio or cell phone. A valet or supervisor relieves or replaces the traffic control employee if he or she is absent.

Besides normal customer traffic, DMC operates a shuttle bus service for employees on campus that transports employees to various locations, including Receiving Hospital. Thus, it is necessary that traffic moves freely through the horseshoe. If a vehicle is parked or stopped in the driveway, the traffic control employee will approach the vehicle, ask if he can help, and attempt to clear the lane that the customer is blocking.

If patients need a wheelchair at the main entrance, the traffic control employee may provide them with one, assist in transporting them to the entrance, and take them to the waiting area. From there, a DMC transporter employee will take the patient into the hospital. Traffic control may also call a cab for a customer if necessary, escort blind people off buses to the facility entrance, or contact DMC security to assist personnel who need help. Traffic control is instructed to notify DMC security in emergency situations.

Receiving Hospital has reserved spots for parking, 15-minute reserved spots for discharged patients, and three spots reserved for Universal Laboratories medical specimen deliveries. The reserved parking spots are located close to the facility entrance. The traffic control employee approaches individuals who park in the reserved spaces. He or she informs them the spots are reserved and ask them to leave. If the individual refuses to leave or gets disruptive, traffic control contacts DMC security. Traffic control informs individuals who park in the 15-minute reserve spots that they are reserved for outpatients, and notifies them that they can be ticketed by DMC security if they exceed the time limit. If the individual gets disruptive, the employee calls DMC security to respond to the incident. If the medical delivery reserved spots are full, traffic control can allow the couriers to park in the reserved spots. Traffic control also allows valets to use the spots in situations where customers have not claimed their vehicles in a timely manner after the vehicles have been retrieved by the valet. Traffic control employees fill out incident reports as necessary for events that occur during their shift, similar to cashiers and greeters. Other employees who notice parking violations can report them to DMC security.

Greeters

Greeters are responsible for performing concierge or customer service type functions for all visitors and patients that enter the various facilities. The greeters are located at the front entrance to each facility. They have their own workstation inside the facility and, at times, may go outside the facility to perform their duties. Greeters work both the a.m. and p.m. shifts throughout the campus.¹⁵ Greeters report directly to Human Resource coordinator Hellams. All greeters are equipped with a pager and radio that are provided by DMC and have access to DMC phones. Greeters work in close proximity to DMC security personnel desks inside the facilities. Greeters do not park vehicles or perform traffic control or cashier duties. Greeters are responsible for reporting suspicious activities in their work area, like all other employees, spillage, and violations of DMC rules and regulations pertaining to smoking and other unauthorized actions, such as panhandling on the premises. Greeters also have access to secured areas where

¹⁵ The parties stipulated that the lot attendant who works at the Rehabilitation Institute of Michigan is a greeter for purposes of this proceeding. The lot attendant is equipped with a two-way radio. After 4:00 p.m., the lot turns into a paid parking site and visitors are charged for parking. The record does not indicate who is responsible for collecting parking fees after 4:00 p.m.

wheelchairs are maintained and can retrieve wheelchairs for visitors and patients as needed.

The record contains some evidence regarding the duties of the greeters located at the Karmanos Center. They have a standing station at the main entrance to the facility. They are close enough to DMC security personnel to verbally summon them if necessary. The greeter assists patients by directing them to the various facilities, assisting them to their vehicles, or providing directions. If the greeter notices an individual smoking in a restricted area, or panhandlers soliciting on the premises, he or she asks the individual to cease his or her behavior. The greeter contacts security if the individual refuses to cooperate. He or she is not authorized to take any further action. Karmanos greeters interact with other Employer employees on a daily basis and other employees relieve the greeter when he leaves his station.

Uniform Attendants

The Employer has two uniform attendants who are responsible for inspecting, issuing, receiving and maintaining employee uniforms. They work in Carl Kresge auditorium/Old Hutzel Hospital in the basement. One uniform attendant is assigned per shift and they report to the operations manager on duty. Uniform attendants work Monday through Friday, from 4:30 a.m. to 1:00 p.m. and 1:00 p.m. to 9:00 p.m. They have the same lunch breaks as other employees on their shifts.

The senior operations manager delivers uniform inventory to the attendants. This inventory includes jackets, liners, and pants. The attendants ensure that the inventory is correct by making a count of the uniforms and checking off the inventory slips. Attendants then inspect the uniforms to ensure that they are clean, pressed, and free from damage. Attendants organize the uniforms by size, hang the uniforms, and stock the shelves. The morning shift attendant normally receives inventory. The afternoon shift attendant prepares uniforms for laundry, which is picked up the following day by an outside laundry service. Uniform delivery and pick-ups occur at varying times.

Employees report to the room to receive their uniforms prior to commencing work. The attendant records the uniform issued on a receipt, which identifies the deck on which the employee is working. He then issues the proper size uniform to the employee. When employees complete work each day, with the possible exception of greeters as noted in footnote 10, above, they return the uniform. The attendant records the return. Attendants keep a daily record of employees who do not return their uniforms and forward that information to the senior operations manager.

The on-site operations manager or a supervisor performs the functions of the uniform attendant on the weekends. Valets and cashiers can perform the duties of the

uniform attendant if necessary to ensure the uniform room has coverage. The uniform attendants have performed end-of-shift cashier drawer reconciliations in the absence of the supervisor or operations manager.

Analysis

The Section 9(b)(3) Status of Traffic Control Employees and Greeters

Section 9(b)(3) of the Act prohibits both a unit of guards and nonguards, and a labor organization from representing guards if, like the Petitioner, it admits nonguards to membership. The Employer asserts that the traffic control employees and greeters are guards within the meaning of the Act.

Section 9(b)(3) defines that a function of a guard is to enforce rules for the protection of the employer's property and the safety of the persons on that employer's premises. *The Boeing Co.*, 328 NLRB 128, 129-130 (1999). Employees may be classified as statutory guards even if their guard duties are not their exclusive function. *MGM Grand Hotel*, 274 NLRB 139, 140 (1985).

In *Rhode Island Hospital*, 313 NLRB 343 (1993), a case relied upon by the Employer, the Board found traffic control guards to be statutory guards. They were assigned to certain parking areas, and maintained traffic control and enforced no-parking rules. They were employed within the employer's security department. Their primary function was to assist people coming to the hospital, including assisting handicapped individuals with wheelchairs or holding reserved spaces for handicapped patients. However, their other duties included making periodic rounds of the hospital's cafeteria and restrooms, enforcing the hospital's no-smoking rule against employees and nonemployees, and monitoring employee parking spaces. They also regularly responded, approximately twice a day, to calls within the hospital for emergency help from employees and patients. These calls included assisting nurses assaulted by patients.

Here, traffic control employees and greeters are not employed within a security department. They do not make rounds within the various campus hospitals. They do not respond to calls for emergency help. DMC security forces are positioned in close proximity to each entrance and, in at least one location, can be verbally summoned by greeters. Traffic control employees and greeters are limited to their various work locations/areas and are not part of the DMC security department. On-site DMC security forces are armed and wear a distinctive uniform with security insignia. The alarms in cashier booths go directly to DMC security personnel or the local Metro Detroit Police Department, not to traffic control personnel or greeter workstations. Patrols and responses to calls from the various parking structures on campus are performed not by traffic control employees or greeters, but by DMC security or supervisors or managers of

the Employer. Employees are instructed to report suspicious activity to security personnel. They are not authorized to apprehend or physically remove personnel from the premises, but instead are instructed to contact DMC security personnel. With regard to parking violations, any employee can report a violation, and valets and traffic control employees are required to report incidents to DMC security to ensure removal of the vehicles.¹⁶ Although traffic control employees or greeters may ask a person to leave the premises, stop smoking, or move a vehicle, they do not have the authority to remove the person and/or vehicle. They also do not issue tickets.

The traffic control employees and greeters are more akin to the parking enforcement officers in *Syracuse University*, 325 NLRB 162 (1997), and the doorpersons and elevator operators in *55 Liberty Owners Corp.*, 318 NLRB 308 (1995). In both cases, the disputed classifications were found not to be guards.

The parking enforcement officers in *Syracuse University* did not carry guns, receive guard training, possess keys to open offices, make rounds, or present themselves as guards. *Id.* at 167-168. The same is true for the traffic control employees and greeters. In *55 Liberty Owners Corp.*, the doorpersons and elevator operators monitored and regulated access into buildings, denied entrance to unauthorized persons, and observed and reported irregularities. In finding the doorpersons and elevator operators not to be guards, the Board noted that they did not make rounds, were not trained in security, were not armed, were instructed not to use physical force, did not inspect suspicious packages, and did not ask off-duty employees to leave. The Board found that their guard-like functions of asking unauthorized persons to leave were incidental to their primary nonguard duties and that there was no other evidence that they enforced rules against employees or other persons to protect the safety of persons on the premises or the property itself. The limitations and restrictions imposed upon the doorpersons and elevator operators are similar to those imposed upon the traffic control employees and greeters.

In analyzing the instant case in light of all the factors highlighted by the Board in relevant case law, I conclude that traffic control employees and greeters do not possess the key indicia in significant areas to find that they are guards under Section 9(b)(3) of the Act. Specifically, traffic control employees and greeters lack enforcement authority. The core duties of these classifications are to provide concierge and traffic control services for visitors, patients and employees. Their limited reporting responsibilities are incidental to their core function.

¹⁶ The Employer did not assert that valets are statutory guards.

The Clerical Status of Cashiers and Uniform Attendants

The Employer, without case support, contends that cashiers and uniform attendants are office clerical employees. Employees whose principal functions and duties relate to general office operations and are performed within the office itself are office clericals. ***Mitchellace, Inc.***, 314 NLRB 536, 536-537 (1994).

The cashiers' duties are similar in many ways to the parking lot attendants in ***Syracuse University***, supra. at 164-165, who were found to be operational, not clerical, employees. The parking lot attendants insured that people parking vehicles in the employer's parking lots had a permit or paid a proper fee, issued parking tickets to vehicles either parked illegally, without proper payment made or without a permit, collected money for vehicles parking in the employer's parking lots, issued one day parking passes and audited paperwork.

In the instant case, the cashiers collect funds, allow access to various lots, and communicate with customers on a daily basis, providing them with direction and guidance on where to park, much like the lot attendants. They also complete paperwork to track the monies received, track customer keys and tickets, as required, and communicate with the valets in order to retrieve and park vehicles. The cashiers' duties are so functionally integrated with the valet and parking services that their absence could prohibit parking operations from functioning. Further, their clerical duties are incidental to their performance of operations work. The cashiers do not perform the traditional administrative functions normally associated with office clericals, that of payroll, answering phones, and opening mail. Rather, their administrative duties are derived from the parking operations. The only paperwork maintained on-site by cashiers are blank forms. Cashiers cannot order supplies and all completed paperwork is forwarded to the appropriate supervisor, manager, or DMC security personnel at the end of their shift. There is no record evidence of the maintenance of personnel files, payroll records, or other documentation at the cashier work locations that suggests they perform traditional office clerical functions. Accordingly, I find that the cashiers are not plant or office clerical employees, but operational employees similar to the lot attendants in ***Syracuse University***.

In the event that the cashiers are found to be clerical employees by the Board, I find that their inclusion in the unit is still appropriate. The cashiers' duties are functionally integrated into the parking operations. Their duties establish that, if they are clerical employees, they are plant clerical, not office clerical, and should be included in the unit sought by Petitioner. ***Id.*** at 164-167, 168-169 (parking service clerical employees).

The extent of the uniform attendants' administrative duties encompasses logging the issuance and receipt of uniforms to cashiers, valets, and traffic control employees. On occasion, they reconcile cashier tills in the absence of supervision. They interact daily with employees, albeit for a short period of time. The paperwork generated by the uniform attendants is maintained in the office with the exception of those documents identifying employees who fail to return their uniforms. There is no record evidence that the uniform attendants perform office clerical functions. They do not maintain payroll records, personnel files, receive mail or answer phones. Their clerical duties are related to uniform inventory control, which is a function of a plant clerical. See **Hamilton Halter Co.**, 270 NLRB 331 (1984). Accordingly, I find that the uniform attendants perform duties that classify them as plant clericals and they should be included in the unit with the other employees sought by Petitioner. See **Syracuse University**, *supra*.

Community of Interest

In addition to its other arguments, the Employer contends that traffic control employees, greeters, cashiers and uniform attendants do not share a sufficient community of interest with valets to be included in a single unit.

The Act does not require that the unit for bargaining be the only appropriate unit, or the ultimate unit, or the most appropriate unit: the Act requires only that the petitioned-for unit be appropriate. **Transerv Systems, Inc.**, 311 NLRB 766 (1993); **Morand Brothers Beverage Co.**, 91 NLRB 409, 418 (1950), *enfd.* 190 F.2d 576 (7th Cir. 1951). A union is not required to seek representation in the most appropriate unit. **Bamberger's Paramus**, 151 NLRB 748, 751 (1965). Additionally, a petitioner's desires as to a unit is a relevant consideration, but not dispositive. **Airco, Inc.**, 273 NLRB 348 (1984); **Marks Oxygen Co.**, 147 NLRB 228, 230 (1964). If the unit sought by the petitioner is appropriate, the inquiry ends. **Bartlett Collins, Co.**, 334 NLRB 484 (2001).

In determining whether a unit is appropriate, the Board examines the extent of the employees' community of interest. **Overnite Transportation Co.**, 322 NLRB 723, 724 (1996). In that examination, the Board considers certain criteria, including wages, hours, and benefits; supervision; qualifications, training and skills; job functions; degree of contact; integration of work functions; and interchange. **Home Depot USA**, 331 NLRB 1289 (2000).

The cashiers, valets, traffic control employees, greeters, and uniform attendants, share a sufficient community of interest to be included in a single unit. There is some common and overlapping supervision among the employees, and all are ultimately responsible to the director of operations. Cashiers, valets, and traffic control employees all report to the same location at the beginning and end of their shifts. All employees have similar uniforms and share the same locker room. Uniform attendants issue

uniforms to, and receive uniforms from, employees on a daily basis and on occasion have contact with cashiers in order to reconcile their tills. Cashiers and valets are in constant communication in order to park and retrieve vehicles and maintain key inventories at the valet booth. At each facility, valet and valet cashier work stations are in close proximity to each other, and traffic control and greeter personnel work at or near these same facility entrances. Greeters are relieved by valets, and traffic control employees park vehicles when necessary. All employees receive orientation training and on-the-job training for their positions, and minimal education or skills are required to perform their functions. All employees are paid hourly within a range of \$7.00 to \$9.50 per hour, are eligible for overtime, and receive no benefits. Cashiers, valets, traffic control employees, and greeters are expected to provide guidance, direction, and assistance to facility employees, visitors, and patients as part of their duties.

After analyzing the entire record as a whole, I find that that the five employee classifications share common supervision; similar wages, hours and benefits; overlapping qualifications and skills; and a high degree of contact and functional integration. They comprise an appropriate unit.

Conclusion

5. Accordingly, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time valets, cashiers, traffic control employees, greeters, and uniform attendants employed by the Employer at the Detroit Medical Center in Detroit, Michigan; but excluding all office clerical employees, managerial employees, administrative employees, and guards and supervisors as defined in the Act.

Those eligible to vote shall vote as set forth in the attached Direction of Election.

Dated at Detroit, Michigan, this 2nd day of June, 2006.

(SEAL)

“/s/ [Stephen M. Glasser].”

/s/ Stephen M. Glasser

Stephen M. Glasser, Regional Director
National Labor Relations Board, Seventh Region
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 300
Detroit, Michigan 48226

DIRECTION OF ELECTION

An election by secret ballot shall be conducted under the direction and supervision of this office among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those employees in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such a strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Employees who are otherwise eligible but who are in the military service of the United States may vote if they appear in person at the polls. Ineligible to vote are 1) employees who quit or are discharged for cause after the designated payroll period for eligibility, 2) employees engaged in a strike, who have quit or been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and 3) employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by:

LOCAL 283, INTERNATIONAL BROTHERHOOD OF TEAMSTERS

LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that **within 7 days** of the date of this Decision, **2** copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. The list must be of sufficient clarity to be clearly legible. The list may be submitted by facsimile or E-mail transmission, in which case only one copy need be submitted. In order to be timely filed, such list must be received in the **DETROIT REGIONAL OFFICE** on or before **June 9, 2006**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, Franklin Court, 1099 14th Street N.W., Washington D.C. 20570**. This request must be received by the Board in Washington by **June 16, 2006**.

POSTING OF ELECTION NOTICES

a. Employers shall post copies of the Board's official Notice of Election in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. In elections involving mail ballots, the election shall be deemed to have commenced the day the ballots are deposited by the Regional Office in the mail. In all cases, the notices shall remain posted until the end of the election.

b. The term "working day" shall mean an entire 24-hour period excluding Saturday, Sundays, and holidays.

c. A party shall be stopped from objecting to nonposting of notices if it is responsible for the nonposting. An employer shall be conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Office at least 5 days prior to the commencement of the election that it has not received copies of the election notice. */

d. Failure to post the election notices as required herein shall be grounds for setting aside the election whenever proper and timely objections are filed under the provisions of Section 102.69(a).

*/ Section 103.20 (c) of the Board's Rules is interpreted as requiring an employer to notify the Regional Office at least 5 full working days prior to 12:01 a.m. of the day of the election that it has not received copies of the election notice.